

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CASE NO. 5:15-CR-063-KDB-DCK**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
TERRON JUANDRE MICHAUX,)	
)	
Defendant.)	
)	

THIS MATTER IS BEFORE THE COURT on the Defendant Terron J. Michaux's "...Motion To File Unredacted Motion For Compassionate Release Under Seal" (Document No. 90) filed on November 30, 2020, and "...Motion To File Unredacted Motion For Compassionate Release Under Seal" (Document No. 93) filed January 5, 2021. These motions have been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motions and the record, the undersigned will grant the motions.

A party who seeks to seal any pleading must comply with the Local Rules of this Court. Local Civil Rule("LCvR") 6.1 provides in relevant part as follows:

LCvR. 6.1 SEALED FILINGS AND PUBLIC ACCESS.

(a) ***Scope of Rule.*** To further openness in civil case proceedings, there is a presumption under applicable common law and the First Amendment that materials filed in this Court will be filed unsealed. This Rule governs any party's request to seal, or otherwise restrict public access to, any materials filed with the Court or used in connection with judicial decision-making. As used in this Rule, "materials" includes pleadings and documents of any nature and in any medium or format.

(b) ***Filing under Seal.*** No materials may be filed under seal

except by Court order, pursuant to a statute, or in accordance with a previously entered Rule 26(e) protective order.

(c) ***Motion to Seal or Otherwise Restrict Public Access.*** A party's request to file materials under seal must be made by formal motion, separate from the motion or other pleading sought to be sealed, pursuant to LCvR 7.1. Such motion must be filed electronically under the designation "Motion to Seal." The motion must set forth:

- (1) A non-confidential description of the material sought to be sealed;
- (2) A statement indicating why sealing is necessary and why there are no alternatives to filing under seal;
- (3) Unless permanent sealing is sought, a statement indicating how long the party seeks to have the material maintained under seal and how the matter is to be handled upon unsealing; and
- (4) Supporting statutes, case law, or other authority.

LCvR 6.1.

By the instant motions, Defendant seeks to seal his: "Motion For Compassionate Release..." (Document No. 88), "Memorandum Of Law In Support Of Motion For Compassionate Release..." (Document No. 89), "Motion For Compassionate Release..." (Document No. 92) and "Memorandum Of Law In Support..." (Document No. 92-1). (Document Nos. 90 and 93). Defendant contends that these filings include confidential medical information that should be sealed. Id.

Having considered LCvR 6.1(c) and LCrR 49.1.1, the record of this case, and observing that the Government has not filed any opposition, the Court will grant the motions to seal.

IT IS, THEREFORE, ORDERED that Defendant Terron J. Michaux's "...Motion To File Unredacted Motion For Compassionate Release Under Seal" (Document No. 90) filed on November 30, 2020, and "...Motion To File Unredacted Motion For Compassionate Release Under Seal" (Document No. 93) are **GRANTED**. Document Nos. 88, 89, 92 and 92-1 shall remain

under **SEAL** until otherwise ordered by this Court.

Signed: February 1, 2021



David C. Keesler
United States Magistrate Judge 